

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 27, 1999**

## DIVISION ONE

B118926      Marcus                          (Not for Publication)  
v.  
Bornstein

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The appeal is dismissed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

[illegible]

The judgment of dismissal is reversed, and the cause is remanded to the trial court with directions to specify the time within which Hool must respond to Jensen's first amended complaint. Jensen is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

September 27, 1999-Continued

## DIVISION ONE (Continued)

B124986	Inglewood Committee To Save Market Street et al. v. City of Inglewood et al.	(Not for Publication)
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The judgment is affirmed. The City, the City Council, and the Redevelopment Agency are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B131431 ICF Kaiser Engineers, Inc. (Certified for Publication)  
v.  
S.C.L.A.  
Sepulveda Hatteras Ltd., et al.

The petition is granted. Let a peremptory writ issue commanding the trial court to vacate its judgment and ancillary orders. The cause is remanded to the trial court for the resolution of such further issues as there may be concerning the confirmation of the arbitrators' award. Kaiser is awarded its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION TWO

B131321      Julio M.      (Not for Publication)

V.

Superior Court, Los Angeles County  
(Los Angeles County Dept. of Children & Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Zebrowski, J.

We concur: Boren, P.J.  
Mallano, J. (Assigned)

B123950 People (Not for Publication)

V.

Edwin O. Smith

The trial court is directed to modify the abstract of judgment to reflect 555 days of actual custody credit and 831 days of total presentence custody credit, and to direct the clerk of the superior court to send to the Department of Corrections this amended abstract of judgment. In all other respects, the judgment is affirmed.

Boren, P.J.

I concur: Nott, J.  
I dissent: Mallano, J. (Assigned) (Opinion)

B132710 Patricia B. (Not for Publication)

V.

Superior Court, Los Angeles County  
(Los Angeles County Dept. of Children & Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

## DIVISION FOUR

B130966 People (Not for Publication)  
v.  
Jackson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B123821 People (Not for Publication)  
v.  
Joubert

The judgment is modified by deletion of the three one-year prior prison terms specified *ante* and substitution of a parole revocation fine in the sum of \$1,000 in the place of the \$200 fine, and, as modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract to recite these modifications.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B132839      Cindy P.      (Not for Publication)  
v.  
S.C.L.A.  
D.C.F.S.

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24(d).)

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

## DIVISION FOUR (Continued)

B132171 Linda J. (Not for Publication)  
v.  
S.C.L.A.  
D.C.F.S.

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24(d).)

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B123926      Edjourian      (Not for Publication)  
v.  
City of Los Angeles

The order denying appellant's petition for relief under section 946.6 is reversed. Appellant is awarded her costs on appeal.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

## DIVISION SEVEN

B125857 People (Not for Publication)  
v.  
Anthony Castro Rodriguez

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

DIVISION SEVEN (Continued)

B123957      Darling, Hall & Rae et al.      (Not for Publication)  
v.  
Averil J. Kritt

The judgment is affirmed with respect to the cross-complaint. The remainder of the judgment is reversed and remanded for further proceedings in accordance with the views expressed herein. The parties to bear their own costs on appeal.

Woods, J.

We concur:   Johnson, Acting P.J.  
                  Neal, J.

B128118      People      (Not for Publication)  
v.  
Nelson Herrera

The judgment is affirmed. The clerk of the superior court shall prepare an amended abstract of judgment and send it to the California Department of Corrections. The abstract should show that appellant was convicted of home invasion robbery in concert under Penal Code sections 211, 212.5 and 213, subdivision (a)(1)(A), and sentenced to a term of six years for the robbery, enhanced by ten years for the Penal Code section 12022.53, subdivision (b), an aggregate term in state prison of 16 years. The amended abstract of judgment should also show that the trial court struck (not stayed) the Penal Code section 12022.5, subdivision (a)(1), and Penal Code section 12022, subdivision (a)(1), enhancements. The clerk can also note the restitution orders on the abstract of judgment, as was done previously.

Woods, J.

We concur:   Lillie, P.J.  
                  Neal, J.

## September 27, 1999-Continued

## DIVISION SEVEN (Continued)

B124473      Michelle Baxter      (Not for Publication)  
v.  
Leila Kyoto Miyamoto

The order of dismissal is reversed. Appellant is awarded costs on appeal.

Johnson, J.

We concur:   Lillie, P.J.  
                      Neal, J.

B122211      Cerritos Valley Bank et al.      (Not for Publication)  
v.  
Glendale Federal Bank

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B116473 Helmi El Senoussi, doing business  
as El Senoussi & Associates (Not for Publication)  
v.  
Fireman's Fund Insurance Company

The summary judgment in favor of Fireman’s Fund is affirmed, the cost award is reversed insofar as it included an award of attorney’s fees and the matter is remanded to the trial court to determine the costs to which Fireman’s Fund is otherwise entitled as a matter of right. (Code. Civ. Proc., § 1032.) Each side to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

DIVISION SEVEN (Continued)

B127419      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 Tasha T.

The judgment is affirmed. Each side to bear its own costs of appeal.

Johnson, Acting P.J.

We concur:    Woods, J.  
                 Neal, J.